

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently Amended) A data distribution system comprising:
  - a reproducing apparatus for reproducing content data distributed from a first ~~mounted-recording-medium~~;
  - a recording apparatus for recording ~~[[said]]~~ the reproduced content data on a second ~~mounted-recording-medium~~;
  - an examining means for examining usage space information of the content data ~~recorded on the recording-medium mounted in said reproducing apparatus, the first recording-medium mounted in said reproducing apparatus, [[said]]~~ the reproducing apparatus, the second ~~recording-medium mounted in said recording apparatus, and~~ ~~[[said]]~~ the recording apparatus; and
  - a controller ~~controlling means~~ for controlling transfer of ~~[[said]]~~ the content data from ~~[[said]]~~ the first ~~recording-medium mounted in said reproducing apparatus to~~ ~~[[said]]~~ the second ~~recording-medium mounted in said recording apparatus based on the~~ result of ~~[[said]]~~ the examination;
  - wherein ~~[[said]]~~ the usage space information indicates system information of ~~[[said]]~~ the recording apparatus and ~~[[said]]~~ the reproducing apparatus, ownership right information of ~~[[said]]~~ the content data, format information of ~~[[said]]~~ the content data,

and distributing profit information obtained by the distribution of ~~[[said]]~~ the content data,  
and

wherein ~~[[said]]~~ the examining means~~[[:]]~~:

examines whether ~~[[said]]~~ the content data is of a first type which is distributed in  
an encrypted state or of a second type which is distributed in an unencrypted state,

examines whether ~~[[said]]~~ the first ~~recording-medium~~ is of a first type having a  
configuration enabling recorded data to be effectively read out by performing  
authentication processing or of a second type having no such configuration and  
enabling read out of the recorded data without authentication,

examines whether ~~[[said]]~~ the reproducing apparatus is of a first type for  
reproducing after the authentication processing or of a second type for reproducing  
without ~~[[that]]~~ the processing, and

examines whether ~~[[said]]~~ the recording apparatus is of a first type for recording  
after the authentication processing or of a second type for recording without ~~[[that]]~~ the  
processing.

2. (Canceled)

3. (Currently Amended) A data distribution system as set forth in claim 1,  
wherein the controller ~~said-controlling-means~~ disables the reproduction when ~~[[said]]~~ the  
usage information indicates that the content data is of ~~[[said]]~~ the first type, the first  
~~recording-medium-mounted-in-the-reproducing-apparatus-is~~ ~~[[said]]~~ the second type of

~~recording-medium~~, and ~~[[said]]~~ the reproducing apparatus is ~~[[said]]~~ the second type of reproducing apparatus.

4. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said-controlling means~~ disables the reproduction when that the content data is of ~~[[said]]~~ the first type, the first ~~recording-medium-mounted in the reproducing apparatus is~~ ~~[[said]]~~ the second type of ~~recording-medium~~, and ~~[[said]]~~ the reproducing apparatus is ~~[[said]]~~ the first type of reproducing apparatus.

5. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said-controlling means~~ enables the reproduction when ~~[[said]]~~ the usage information indicates that the content data is of ~~[[said]]~~ the second type, the first ~~recording-medium-mounted in the reproducing apparatus is~~ ~~[[said]]~~ the second type of ~~recording-medium~~, and ~~[[said]]~~ the reproducing apparatus is ~~[[said]]~~ the second type of reproducing apparatus.

6. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said-controlling means~~ enables the reproduction when ~~[[said]]~~ the usage information indicates that the content data is of ~~[[said]]~~ the second type, the first ~~recording-medium-mounted in the reproducing apparatus is~~ ~~[[said]]~~ the second type of ~~recording-medium~~, and ~~[[said]]~~ the reproducing apparatus is ~~[[said]]~~ the first type of reproducing apparatus.

7. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said controlling means~~ disables the reproduction when ~~[[said]]~~ the usage information indicates that the content data is of ~~[[said]]~~ the first type, the first ~~recording-medium-mounted-in-the-reproducing-apparatus-is~~ ~~[[said]]~~ the first type of ~~recording-medium~~, and ~~[[said]]~~ the reproducing apparatus is ~~[[said]]~~ the second type of reproducing apparatus.

8. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said controlling means~~ enables the reproduction when ~~[[said]]~~ the usage information indicates that the content data is of ~~[[said]]~~ the first type, the first ~~recording-medium-mounted-in-the-reproducing-apparatus-is~~ ~~[[said]]~~ the first type of ~~recording-medium~~, and ~~[[said]]~~ the reproducing apparatus is ~~[[said]]~~ the first type of reproducing apparatus.

9. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said controlling means~~ enables the reproduction when ~~[[said]]~~ the usage information indicates that the content data is ~~content data of~~ ~~[[said]]~~ the second type, the first ~~recording-medium-mounted-in-the-reproducing-apparatus-is~~ ~~[[said]]~~ the first type of ~~recording-medium~~, and ~~[[said]]~~ the reproducing apparatus is ~~[[said]]~~ the second type of reproducing apparatus.

10. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said controlling means~~ enables the reproduction when ~~[[said]]~~ the

usage information indicates that the content data is of ~~[[said]]~~ the second type, the first ~~recording-medium mounted in the reproducing apparatus is~~ ~~[[said]]~~ the first type of ~~recording-medium~~, and ~~[[said]]~~ the reproducing apparatus is ~~[[said]]~~ the first type of reproducing apparatus.

11. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said controlling means~~ disables the recording when usage information indicates that the content data is ~~content data of~~ ~~[[said]]~~ the first type, the second ~~recording-medium mounted in the recording apparatus is~~ ~~[[said]]~~ the second type of ~~recording-medium~~, and ~~[[said]]~~ the recording apparatus is ~~[[said]]~~ the second type of recording apparatus.

12. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said controlling means~~ disables the recording when usage information indicates that the content data is of ~~[[said]]~~ the first type, the second ~~recording-medium mounted in the recording apparatus is~~ ~~[[said]]~~ the second type of ~~recording-medium~~, and ~~[[said]]~~ the recording apparatus is ~~[[said]]~~ the first type of recording apparatus.

13. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said controlling means~~ enables the recording when ~~[[said]]~~ the usage information indicates that the content data is of ~~[[said]]~~ the second type, the second ~~recording-medium mounted in the recording apparatus is~~ ~~[[said]]~~ the second

type of ~~recording~~ medium, and ~~[[said]]~~ the recording apparatus is ~~[[said]]~~ the second type of recording apparatus.

14. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said controlling means~~ enables the recording when ~~[[said]]~~ the usage information indicates that the content data is of ~~[[said]]~~ the second type, the second recording medium mounted in the recording apparatus is ~~[[said]]~~ the second type of ~~recording~~ medium, and ~~[[said]]~~ the recording apparatus is ~~[[said]]~~ the first type of recording apparatus.

15. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said controlling means~~ disables the recording when that the content data is of ~~[[said]]~~ the first type, the second recording medium mounted in the recording apparatus is ~~[[said]]~~ the first type of ~~recording~~ medium, and ~~[[said]]~~ the recording apparatus is ~~[[said]]~~ the second type of recording apparatus.

16. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said controlling means~~ enables the recording when ~~[[said]]~~ the usage information indicates that the content data is ~~content data of~~ ~~[[said]]~~ the first type, the second recording medium mounted in the recording apparatus is ~~[[said]]~~ the first type of ~~recording~~ medium, and ~~[[said]]~~ the recording apparatus is ~~[[said]]~~ the first type of recording apparatus.

17. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said controlling means~~ enables the recording when ~~[[said]]~~ the usage information indicates that the content data is ~~content data of~~ ~~[[said]]~~ the second type, the second ~~recording medium mounted in the recording apparatus is~~ ~~[[said]]~~ the first type of ~~recording medium~~, and ~~[[said]]~~ the recording apparatus is ~~[[said]]~~ the second type of recording apparatus.

18. (Currently Amended) A data distribution system as set forth in claim 1, wherein the controller ~~said controlling means~~ enables the recording when ~~[[said]]~~ the usage information indicates that ~~said usage information indicates that~~ the content data is ~~content data of~~ ~~[[said]]~~ the second type, the second ~~recording medium mounted in the recording apparatus is~~ ~~[[said]]~~ the first type of ~~recording medium~~, and ~~[[said]]~~ the recording apparatus is ~~[[said]]~~ the first type of recording apparatus.

19-30. (Canceled)

31. (Currently Amended) A data processing apparatus comprising:  
a reproducing apparatus for reproducing content data distributed from a ~~mounted~~ recording medium;  
an examining means for examining usage space information of the content data, the recording medium ~~recorded on the recording medium mounted in said reproducing apparatus, a recording medium mounted in said reproducing apparatus, and~~ ~~[[said]]~~ the reproducing apparatus; and

a controller ~~controlling means~~ for controlling the reproduction of the content data from ~~[[said]] the recording medium mounted in said reproducing apparatus~~ based on results of ~~[[said]] the examination the result of said examination~~;

wherein ~~[[said]] the~~ usage space information indicates system information of ~~said recording apparatus and said the~~ reproducing apparatus, ownership right information of ~~[[said]] the~~ content data, format information of ~~[[said]] the~~ content data, and distributing profit information obtained by the distribution of ~~[[said]] the~~ content data, and

wherein ~~[[said]] the~~ examining means~~[:]~~:

examines whether ~~[[said]] the~~ content data is to of a first type which is distributed in an encrypted state or of a second type which is distributed in an unencrypted state,

examines whether ~~[[said]] the~~ recording medium is of a first type having a configuration enabling recorded data to be effectively read out by performing authentication processing or of a second type having no such configuration and enabling read out of the recorded data without authentication, and

examines whether ~~[[said]] the~~ reproducing apparatus is of a first type for reproducing after the authentication processing or a second type for reproducing without ~~[[that]] the~~ processing.

32. (Canceled)

33. (Currently Amended) A data processing apparatus as set forth in claim 31, wherein the controller ~~said controlling means~~ disables the reproduction when ~~[[said]] the~~ usage information indicates that the content data is of ~~[[said]] the~~ first type, the



recording medium ~~mounted in the reproducing apparatus~~ is ~~[[said]]~~ the second type of recording medium, and ~~[[said]]~~ the reproducing apparatus is ~~[[said]]~~ the second type of reproducing apparatus.

34. (Currently Amended) A data processing apparatus as set forth in claim 31, wherein the controller ~~said controlling means~~ disables the reproduction when ~~[[said]]~~ the usage information indicates that the content data is of ~~[[said]]~~ the first type, the recording medium ~~mounted in the reproducing apparatus~~ is ~~[[said]]~~ the second type of recording medium, and ~~[[said]]~~ the reproducing apparatus is ~~[[said]]~~ the first type of reproducing apparatus.

35. (Currently Amended) A data processing apparatus as set forth in claim 31, wherein the controller ~~said controlling means~~ disables the reproduction when ~~[[said]]~~ the usage information indicates that the content data is of ~~[[said]]~~ the first type, the recording medium ~~mounted in the reproducing apparatus~~ is ~~[[said]]~~ the first type of recording medium, and ~~[[said]]~~ the reproducing apparatus is ~~[[said]]~~ the second type of reproducing apparatus.

36-49. (Canceled)

50. (New) A data distribution method for transferring content data from a first medium in a reproducing apparatus to a second medium in a recording apparatus, comprising the steps of:

examining usage space information indicating ownership right information, format information, and distributing profit information of the content data;

examining whether the content data is of a first type which is distributed in an encrypted state or a second type which is distributed in an unencrypted state;

examining usage space information indicating system information of the reproducing apparatus;

examining whether the first medium is of a first type having a configuration enabling recorded data to be read out by performing authentication processing or a second type enabling read out of the recorded data without the authentication processing;

examining whether the reproducing apparatus is of a first type for reproducing after the authentication processing or a second type for reproducing without the authentication processing;

examining usage space information of the second medium;

examining usage space information indicating system information of the recording apparatus;

examining whether the recording apparatus is of a first type for recording after the authentication processing or a second type for recording without the authentication processing; and

controlling the transfer of the content data from the first medium to the second medium based on the result of the examining.